

Docket No.: 43888-299

PATENT *IPW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroki KUSAKABE, et al.

Application No.: 10/825,217

Filed: April 16, 2004

: Customer Number: 20277  
: Confirmation Number: 8308  
: Group Art Unit: 2858  
: Examiner: Not yet assigned

For: METHOD FOR OPERATING POLYMER ELECTROLYTE FUEL CELL

**REQUEST FOR CORRECTED FILING RECEIPT**

Mail Stop OFR  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the residence of the seventh Inventor is incorrect. Attached is a copy of the Declaration and Power of Attorney, which evidences that the information for the seventh Inventor should read: Yasuo Takebe, Kyoto, JAPAN. Also attached is the Assignment document which evidences that the Assignee information should read: MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.. It is requested that a corrected filing receipt be issued.

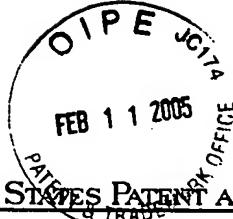
Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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Michael E. Fogarty  
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as our correspondence address.**

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Date: February 11, 2005



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/825,217	04/16/2004	2858	900	43888-299	11	11	2

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CONFIRMATION NO. 8308  
 UPDATED FILING RECEIPT



\*OC000000014725675\*

Date Mailed: 12/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Hiroki Kusakabe, Osaka, JAPAN;  
 Kazuhito Hato, Osaka, JAPAN;  
 Hideo Ohara, Osaka, JAPAN;  
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 Shinichi Arisaka, Osaka, JAPAN;  
 Yasuo Takebe, Uji-shi, JAPAN;  
 Kyoto

*Assignee: MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.*

Power of Attorney: None

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

JAPAN JP2003-112943 04/17/2003

If Required, Foreign Filing License Granted: 07/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/825,217**

Projected Publication Date: 03/24/2005

Non-Publication Request: No

**Early Publication Request: No**

**Title**

Method for operating polymer electrolyte fuel cell

**Preliminary Class**

324

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Attorney Docket No.: \_\_\_\_\_

**COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor(s), I (we) hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR OPERATING POLYMER ELECTROLYTE FUEL CELL**

\_\_\_\_\_, the specification of which

(check one) \_\_\_\_\_ is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as  
United States Application No. \_\_\_\_\_

\_\_\_\_\_ PCT International Patent Application No. \_\_\_\_\_  
filed on \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

			<b>Priority Claimed</b>	
<u>JP2003-112943</u> (Number)	<u>Japan</u> (Country)	<u>17 April, 2003</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Appln. Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status-patented, pending, abandoned)</u>
<u>(Appln. Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status-patented, pending, abandoned)</u>

I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute the patent application identified above and to transact all business in the U.S. Patent and Trademark Office connected therewith: Edward A. Becker, Reg. No. 37,777; Stephen A. Becker, Reg. No. 26,527; Marcel K. Bingham, Reg. No. 42,327; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Tom A. Corrado, Reg. No. 42,439; Paul Devinsky, Reg. No. 28,553; Laura A. Donnelly, Reg. No. 38,435; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael F. Fogarty, Reg. No. 36,139; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Brian D. Hickman, Reg. No. 35,894; Eric J. Kraus, Reg. No. 36,190; Patrick B. Law, Reg. No. 41,549; Robert E. LeBlanc, Reg. No. 17,219; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael A. Messina, Reg. No. 33,424; Eugene J. Molinelli, Reg. No. 42,901; Christopher J. Palermo, Reg. No. 42,056; Joseph H. Paquin, Jr., Reg. No. 31,647; Robert L. Price, Reg. No. 22,685; Gene Z. Rubinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Aaron Weisstuch, Reg. No. P41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

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WASHINGTON, D.C. 20005-3096  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Hiroki KUSAKABE

Inventor's signature Hiroki Kusakabe Date May, 24, 2004

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Full name of seventh inventor Yasuo TAKEBE

Inventor's signature Yasuo Takebe Date May 24, 2004

Residence Uji-shi, Kyoto Japan Citizenship Japanese

Post Office Address 16-2, Kohata-Higashinaka, Uji-shi, Kyoto 611-0002 Japan

Attorney Docket No.: \_\_\_\_\_

## **ASSIGNMENT**

WHEREAS, Hiroki KUSAKABE, Kazuhito HATOH, Hideo OHARA,  
Shinsuke TAKEGUCHI, Soichi SHIBATA, Shinichi ARISAKA and Yasuo TAKEBE,  
hereinafter called the "Assignors," have jointly invented a new and useful invention entitled  
METHOD FOR OPERATING POLYMER ELECTROLYTE FUEL CELL,

for which they have:

- (a) filed an application for United States Letters Patent on \_\_\_\_\_ as (Serial No. \_\_\_\_\_); or
- (b) executed an application for United States Letters Patent on \_\_\_\_\_; or
- (c) filed a provisional application on \_\_\_\_\_ as (Serial No. \_\_\_\_\_); and

WHEREAS, Matsushita Electric Industrial Co., Ltd., a corporation organized and existing under the laws of Japan, having a place of business at:  
1006, Oaza-Kadoma, Kadoma-shi, Osaka 571-8501 Japan,  
hereinafter called the "Assignee," is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under any Letters Patent which may be obtained to said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for and in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient considerations, the receipt of which by said Assignors from the said Assignee is hereby acknowledged, the said Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said Assignee, the entire, right, title and interest for the United States in and to the invention and application hereinabove identified, and any Letters Patent of the United States that may issue for said invention, together with the entire right, title and interest in and to said invention and applications for Letters Patent and Letters Patent therefor, in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; to have and to hold for the sole and exclusive use and benefit of the said Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said inventions may issue.

And the said Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the said Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the said Assignee may elect to make covering the invention herein identified, as hereinabove set forth; in vesting in the said Assignee like exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patent herein contemplated; and that they will execute and deliver to the said Assignee any and all additional papers which may be requested by the said Assignee to fully carry out the terms of this Assignment.

The undersigned hereby grant(s) the attorneys of McDermott, Will & Emery the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue Letters Patent to the said Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the said Assignors have hereunto set their hands and affixed their seal.

Date: May, 24, 2004  
(Seal)

Hiroki Kusakabe  
Hiroki KUSAKABE

Date: May 25, 2004  
(Seal)

Kazuhito Hato  
Kazuhito HATOH

Date: May 25, 2004  
(Seal)

Hideo Ohara  
Hideo OHARA

Date: May 24, 2004  
(Seal)

Shinsuke Takeguchi  
Shinsuke TAKEGUCHI

Date:  
(Seal)

May, 24, 2004

Date:  
(Seal)

May 24, 2004

Date:  
(Seal)

May 24, 2004

Soichi Shibata

Soichi SHIBATA

Shinichi Arisaka S.A  
Shinichi ~~Arise~~ 25/5/04

Yasuo Takebe

Yasuo TAKEBE